

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA	:	CASE NO. 3:18CR158
v.	:	JOINT MOTION TO CONTINUE
	:	MOTIONS FILING DEADLINES
NASER ALMADAOJI,	:	AND TRIAL DATE
Defendant.	:	

The United States of America, by and through the undersigned counsel, and the defendant Naser Almadaoji, by and through his counsel James P. Fleisher, Esq., hereby jointly move the Court to continue the motions filing deadlines and trial date in this matter. The current deadline for filing oral and evidentiary motions and all other motions is July 15, 2019. The trial in this matter is currently set to begin on September 16, 2019. For the reasons stated below, the parties respectfully request that the Court extend the motions filing deadlines and continue the trial date in this matter.

On November 7, 2018, the Grand Jury for the Southern District of Ohio returned an indictment charging Almadaoji with Attempt to Provide Material Support or Resources to Designated Foreign Terrorist Organizations, namely, ISIS and ISIL Khorasan, in violation of 18 U.S.C. § 2339B. Docket No. 13. On December 4, 2018, the government filed a motion for a pretrial conference pursuant to Section 2 of the Classified Information Procedures Act (“CIPA”). Docket No. 16. In the Section 2 filing, the government stated that it “anticipates possible issues relating to classified information in this case, particularly concerning discovery” and, accordingly, “anticipates invoking Section 4” of CIPA. (*Id.* at 1, 8). The government requested a deadline of May 15, 2019, to file a motion under CIPA Section 4. (*Id.* at 8).

On December 12, 2018, the Court issued a preliminary pretrial order establishing several deadlines for discovery and pretrial motions. Docket No. 19. Among those deadlines, and consistent with the government's request in its CIPA Section 2 filing, the Court established a deadline of May 15, 2019, for both Oral and Evidentiary Motions and Other Motions, which deadline was applicable to both parties. *Id.* On April 17, 2019, the United States filed a motion to continue the motions filing deadline for a period of approximately 30 days, until June 14, 2019. Docket No. 21. On April 18, 2019, the Court granted the government's motion by notation order, establishing a new motions filing date of June 14, 2019. On June 10, 2019, the parties filed a joint motion to continue the motions filing deadline for a period of approximately 30 days, until July 15, 2019. Docket No. 24. On June 11, 2019, the Court granted the parties' motion by notation order, establishing a new motions filing date of July 15, 2019.

Between December 2018 and June 2019, the government has produced to the defendant thousands of pages of discovery in this case, with the most recent production occurring on May 31, 2019. The government continues to work through possible classified information issues, and still anticipates invoking CIPA Section 4 and filing an appropriate motion consistent with the statute. The defendant is continuing to review discovery provided by the government to determine what, if any, motions may be appropriate to file. The defendant requires additional time to conduct this discovery review and make this determination. In addition, the parties have commenced discussions regarding a pre-trial resolution of this matter. Such a resolution may change the need for, or scope of, any possible pre-trial motions, to include the anticipated motion under CIPA Section 4, as well as the need for trial.

This motion is made to permit the parties sufficient opportunity to conduct ongoing plea negotiations and/or prepare for trial and motions. Given the status of plea negotiations and

discovery, the failure to grant the requested continuance “would be likely to . . . result in a miscarriage of justice,” and “would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(i), (iv). Accordingly, the parties submit that “the ends of justice served by the granting of [a] continuance outweigh the best interests of the public and the defendant in a speedy trial.” Id. § 3161(h)(7)(A). Defendant understands that, in requesting this continuance, he will be tolling the speedy trial clock.

WHEREFORE, the parties respectfully request that the Court continue the deadline for filing motions and the trial date to future dates as determined by the Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on this 10th day of July, 2019, I filed the foregoing using the Court's ECF system, which will send electronic notification of such filing to all counsel of record.

s/ Dominick S. Gerace

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